THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.3132 of 2007

Dated:26.2.2007

Between
R.Sarangapani

.....Petitioner

and

1. Industrial Tribunal-cum-
Labour Court, Warangal rep.,
By its Presiding Officer and
Others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.3132 of 2007

ORDER:

This writ petition is directed against an order made in un-numbered EP (S.R.No.3542 of 2006) in I.D.No.226 of 2003, dated 14.2.2007.

It appears, the petitioner-workman raised a dispute under Section 2-A (2) of the Industrial Disputes Act, 1947 (for short 'the Act') challenging his illegal termination. The said ID was answered in his favour granting a sum of Rs.1,48,512/-. Insofar as denying reinstatement into service is concerned, he filed WP No.26125 of 2006 and the same is pending before this Court. Thereafter, the present EP is filed by one P.M Vijay, who is the working President of Sriram Sagar Project

NMR and Work Charged Employees Union, Huzurabad on the authorization given by the petitioner-workman seeking to execute the award made in ID No.226 of 2003. Earlier, the ID was also prosecuted by the authorized agent. Now, the Labour Court has taken an objection stating that under Section 36 (1) (c) of the Act, Working President of Sriram Sagar Proect NMR and Work Charged Employees Uniion, Huzurabad i.e., P.M Vijay, who is the authorized agent is not entitled to represent the petitioner-workman and rejected the memo of authorization filed by him .

> "Section 36 (1) (c) reads as under:
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> Representation of Parties: (1) A workman who is a party to a dispute shall be entitled to be represented in any proceeding under this Act by-
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> (c) where the worker is not a member of any trade union, by (any member of the executive or other office bearer) of any trade union connected with, or by any other workman employed in, the industry in which the worker is employed and authorized in

such manner as may be prescribed."

I am of the opinion that the above Section contemplates as to authorization given by the workman in pursuing the industrial proceedings. In this case, admittedly the authorized agent was permitted to appear in the matter during course of original proceedings in ID No.226 of 2003. Thereafter, this execution petition is filed.

I am of the opinion that the Labour Court ought not to have raised any objection on the authorization given by the petitioner-workman to P.M.Vijay for executing the Award.

Therefore, the writ petition is allowed and the impugned order is set aside. However, the labour Court is directed not to pay any amounts deposited by the respondent-Management to the authorized representative of the workman and the amounts shall be paid to the workman only, after he is identified properly.

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26.2.2007

rkk